

**Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**5-SUBSTITUTED-SIX-MEMBERED HETEROAROMATIC GLUCOKINASE ACTIVATORS**

the specification of which

(check one)

is attached hereto.

was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

**Priority Claimed**

(Number)	(Country)	(Day/Month/Year Filed)	[ ]	[ ]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>				

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/524,531  
(Application No.)

11/24/2003  
(Filing Date)

60/432,806  
(Application No.)

12/12/2002  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**X Practitioners at Customer Number 00151**

Direct all correspondence to:

**X Customer Number 00151**

Direct Telephone Calls to: (name and telephone number)

Eileen M. Ebel (973) 235-4391

Shaoqing Chen

Full name of sole or first inventor

Inventor's signature

Date

Bridgewater, Somerset County, New Jersey

Residence

P. R. China

Citizenship

52 Whitehead Road, Bridgewater, New Jersey 08807

Post Office Address

(Supply similar information and signature for second and subsequent joint inventors.)

Wendy Lea Corbett

Full name of second joint inventor, if any

Second Inventor's signature

Date

Lebanon, Hunterdon County, New Jersey

Residence

USA

Citizenship

1012 Stanton-Lebanon Road, Lebanon, New Jersey 08833

Post Office Address

Kevin Richard Guertin

Full name of third joint inventor, if any

Third Inventor's signature

Date

Verona, Essex County, New Jersey

Residence

Canada

Citizenship

14 Wedgewood Drive, Apt. 20, Verona, New Jersey 07044

Post Office Address

Nancy-Ellen Haynes

Full name of forth joint inventor, if any

Forth Inventor's signature

Date

Cranford, Union County, New Jersey

Residence

USA

Citizenship

508 Linden Place, Cranford, New Jersey 07016

Post Office Address

Robert Francis Kester

Full name of fifth joint inventor, if any

Fifth Inventor's signature

Date

West Orange, Essex County, New Jersey

Residence

USA

Citizenship

162 Forest Hill Road, West Orange, New Jersey 07052

Post Office Address

Francis A. Mennona

Full name of sixth joint inventor, if any

Sixth Inventor's signature

Date

Nutley, Passaic County, New Jersey

Residence

USA

Citizenship

380 Bloomfield Avenue, Nutley, New Jersey 07110

Post Office Address

Steven Gregory Mischke

Full name of seventh joint inventor, if any

Seventh Inventor's signature

Date

Florham Park, Morris County, New Jersey

Residence

USA

Citizenship

118 Beechwood Road, Florham Park, New Jersey 07932

Post Office Address

Yimin Qian

Full name of eighth joint inventor, if any

Eighth Inventor's signature

Date

Wayne, Passaic County, New Jersey

Residence

P. R. China

Citizenship

81 Agawam Drive, Wayne, New Jersey 07470

Post Office Address

Ramakanth Sarabu

Full name of ninth joint inventor, if any

Ninth Inventor's signature

Date

Towaco, Morris County, New Jersey

Residence

India

Citizenship

3 Candlewick Drive, Towaco, New Jersey 07082

Post Office Address

Nathan Robert Scott

Full name of tenth joint inventor, if any

Tenth Inventor's signature

Date

Livingston, Essex County, New Jersey

Residence

USA

Citizenship

14 Pitcairn Road, Livingston, New Jersey 07039

Post Office Address

Kshitij Chhabilbhai Thakkar

Full name of eleventh joint inventor, if any

Eleventh Inventor's signature

Date

Nutley, Passaic County, New Jersey

Residence

India

Citizenship

134 Passaic Avenue, Apt. A-13, Nutley, New Jersey 07110

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim: or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

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